



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: ULLRICH, N

FILED: December 26, 1996

SERIAL NO.: 08/774,154

FOR: Novel Method of Diagnosing
and Treating Gliomas

§ ART UNIT: 1806

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EXAMINER:

Lucas, J

DOCKET: D5858

#4
11/10/97
RECEIVED
SEP 10 1997

The Assistant Commissioner of Patents and Trademarks
BOX NON-FEE AMENDMENT
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:


Responsive to the Restriction requirement mailed July 17, 1997 in the above-referenced application, Applicant hereby provisionally elect Group II, Claims 5-13 for examination, with traverse.

Applicant hereby traverses the Restriction requirement mailed July 17, 1997. The Examiner states that Groups I and II, and likewise Groups III and IV are related as product and process of use, and that Groups I and II are not related to Groups III and IV, because "the products differ both physically and functionally and are used in different methods using different experimental parameters". The Examiner's statement notwithstanding, Applicants respectfully submit

that the products provided by the present invention are necessary components for practicing the methods of the present invention. Therefore, a search directed to Applicants' pharmaceutical composition will necessarily reveal prior art pertaining to the use of such compositions. For this reason, Applicants respectfully submit that a single inventive concept is intimately intertwined between Groups I, II, III and IV. Therefore, it would not unduly burden the Examiner to perform a search encompassing claims 1-20. Accordingly, Applicants request that the Restriction requirement under 35 U.S.C. §121 be withdrawn.

Respectfully submitted,

Date: August 18, 1997


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